

**Applicant:** Décor Auto, LLC dba Bacas Trees

**Agent:** Garcia/Kraemer & Assoc.

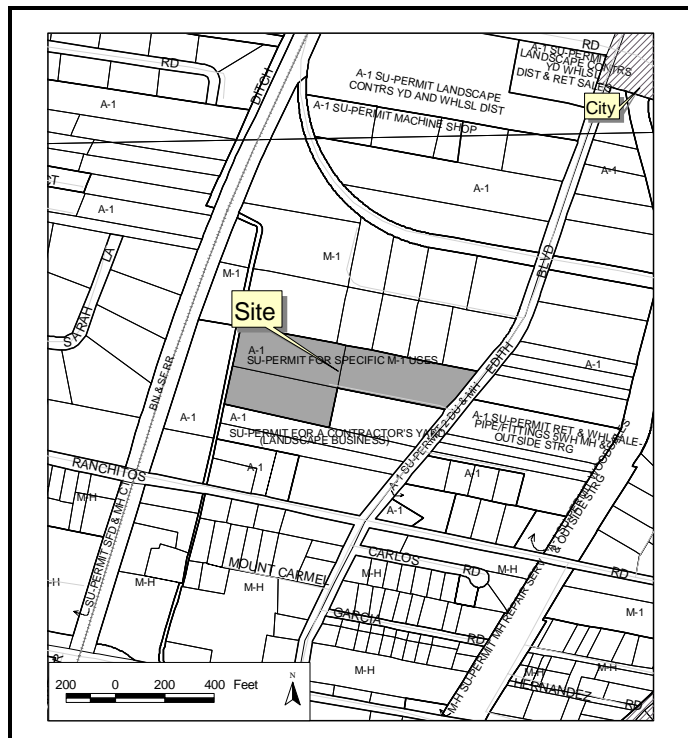
**Location:** 7933 Edith Blvd. NE

**Property Size:** 5.28 acres (approximately)

**Existing Zone:** A-1 with Special Use Permit for Specific M-1 Uses

**Proposed Zoning/SUP** C-LI

**Recommendation:** Deferral



**Summary:** This is a request for a zone change from A-1 to M-1 zoning on a 5.28 acre tract of land (approximately) located west of Edith Blvd. and about 500 feet north of Ranchitos Rd. The property has had a Special Use Permit for Specific M-1 Uses since the 1980s, which was granted for the life of the use (CZ-86-5). The applicant has now elected to seek M-1 zoning for the property. This case was deferred at the December 7, 2005 and February 1, 2006 CPC hearings at the applicant's request. The applicant has requested C-LI zoning, which was recently adopted by the Board of County Commissioners and became effective on March 16, 2006. However, no justification has been provided for the new request for C-LI zoning.

**Staff Planner:** Catherine VerEecke, Program Planner

**Attachments:**

1. Application
2. Zoning and Land Use Maps
3. Existing Special Use Permit documents, Notices of Decision
4. Letters of Opposition from Neighborhood Associations
5. Letter from agent requesting C-LI zoning (1/4/06)

Bernalillo County Departments and other agencies reviewed this application from 10-24-05 to 11-7-05. Their comments were used in preparation of this report, and begin on Page 16.

**AGENDA ITEM NO.: 10**  
**County Planning Commission**  
**April 5, 2006**

CZ-50016 Garcia/Kraemer & Associates, agent for Décor Auto LLC, requests approval of a zone map amendment from A-1 with a Special Use Permit for Specific M-1 Uses to C-LI on Lots 1, 2, & 3, Lands of Colgate, located at 7933 Edith Boulevard NE, containing approximately 5.28 acres. (D-16) (DEFERRED FROM THE FEBRUARY 1, 2006 HEARING)

**AREA CHARACTERISTICS AND ZONING HISTORY**  
**Surrounding Zoning & Land Uses**

<b>Site</b>	<b>Zoning</b>	<b>Land use</b>
	A-1/Special Use for M-1 Uses	Landscape contractor's yard, heavy equipment storage and repair
<b>North</b>	M-1	Industrial Park
<b>South</b>	A-1/Special Use Permit for Landscape Contractor's Yard	Nursery/Landscape Contractor's Business
<b>East</b>	A-1 A-1/Special Use Permit for Pipe Fitting Business	Single Family Residential Special Use Permit for Pipe Fitting Business
<b>West</b>	Drain/Railroad A-1	Drain Single Family Residential

## **BACKGROUND:**

### **The Request**

This is a request for a zone change from A-1 to M-1 zoning on a 5.28 acre tract of land (approximately) located west of Edith Blvd., about 500 feet north of Ranchitos Rd., and about 1500 feet south of Paseo Del Norte. The property consists of three parcels, each of about 1.8 acres. One of the properties fronts on Edith Blvd., the other two back up to the railroad. The property currently has a contractor's-type tree service business on it, known as Baca's Trees. It includes a warehouse, a shop, a fueling area, and an office, along with areas for parking, and for storage of wood and mulch.

### Site History

In 1986, the property (which was then 2 MRGCD Tracts) received a Special Use Permit (CZ-85-6). The initial request was for M-1 zoning, but the County Planning Commission (CPC) recommended denial of the zone change and approval of a Special Use Permit for Specific M-1 Uses, with 7 conditions of approval (See Attachment 3). The Board of County Commissioners (BCC) then approved the request subject to the CPC's conditions. These included the following: 1) submit a detailed site plan; 2) submit a detailed landscaping plan to include a 10 foot setback along Edith Blvd. with 1 ½ inch caliper (minimum) trees and grass; 3) all business activities shall be conducted within buildings; 4) a solid wall or fence in the rear of the property where the project adjoins residential properties; 5) 15 feet minimum setback for buildings along the south property line; 6) all outside storage must be located west of the building and enclosed by a six foot solid wall or fence; 7) submit a list of proposed M-1 uses to be reviewed by the CPC prior to site development.

In June 1986, the Zoning Administrator approved a site plan that included existing buildings on the site, acknowledged the conditions of approval, and listed approved and excluded uses. The approved uses included: 1) office, 2) warehouse, wholesale, and distribution facilities; building materials and storage; 3) contractor's equipment sales, rental, repair, storage, or plant; 4) machine shop, ornamental iron or welding shop, sheet metal shop; 5) light manufacturing as shown in Section 14.B.2.i parts 6&7 in an enclosed building without noxious noise, odors or fumes. The prohibited uses included bottling plants, concrete or gravel plants, fuel storage, animal raising operations, auto wrecking, junk, or salvage yards (Attachment 3).

From the time the Special Use Permit was approved, there were issues with the site's non-compliance with the site plan and conditions of approval. In 2003, the Zoning Administrator requested cancellation of this Special Use Permit due to continued failure to comply with the site plan. The CPC considered the cancellation, but County staff withdrew the request when the applicant agreed to submit a revised site plan, which later was approved by the Zoning Administrator. The conditions of approval have remained in effect (Attachment 3).

Request justification. The applicant's agent points out that the property has a complicated history but that the property is now occupied by Baca's Trees. Two of the lots are mainly used for parking and open storage and one lot houses the business. The easement, which is also shared with the business to the south (The Hilltop) is used only by the applicant.

The agent states that this zone change would allow for more efficient utilization of the site. There is M-1 zoning to the north, so that it is not a 'spot zone,' and it would not be harmful

because there are no adjacent residential uses. He says the request is not inconsistent with the North Valley Area Plan because it is not creating a non-residential use, and the businesses will be locally owned and operated (Attachment 1).

### **Surrounding Land Uses and Zoning**

The vicinity of the site has a variety of uses. On the west side of Edith Blvd., properties to the north, of the site, near the railroad spur, have M-1 zoning (CZ-81-61). Other properties all have A-1 zoning, some of which have Special Use Permits for non-residential uses. To the south east of the site, a property has a Special Use Permit for retail and wholesale of pipe-fittings. On the south side of the subject site, a 4.5 acre property has had Special Use Permits, with the most recent being a for a Contractor's Yard (Landscape Business) (CZ-20).

Most of the remainder of the area within 1000 feet has residential uses or is vacant. The property to the west of the site (beyond the Derramedera Drain) has a single family residence on it. On the east side of Edith Blvd., properties to the north of the pipe business have single family residences on them. Further south on the west side of Edith Blvd., properties are all residential with the exception of the Mt. Carmel Church. The closest industrial development to the south along Edith Blvd. is about three-quarters of a mile away.

### **APPLICABLE PLANS AND POLICIES:**

#### **Albuquerque/Bernalillo County Comprehensive Plan**

The site is located in the Rural Area as delineated in the Albuquerque/Bernalillo Comprehensive Plan. The principal goal for this area is to "maintain the separate identity of rural areas as alternatives to urbanization by guiding development compatible with their open character, natural resources, and traditional settlement patterns."

Policy 3.a of the Plan (Land Use) states that Rural Areas as shown by the Plan Map shall generally retain their rural character with development consisting primarily of ranches, farms, and single-family homes on large lots; higher density development may occur at appropriate locations – within rural villages or planned communities. Overall gross densities shall not exceed one dwelling unit per acre.

Policy 3.g states that the following policies shall guide commercial development in rural areas:

- Small-scale, local industries which employ few people and may sell products on the same premises are the most desirable industrial use.
- Neighborhood and/or community-scale rather than regional-scale commercial centers are appropriate for rural areas. Strip commercial development should be discouraged and, instead, commercial development should be clustered at major intersections and within designated mountain and valley villages.

#### **North Valley Area Plan**

This property is located within the Rural area of the North Valley Area Plan. The Plan states, following the Comprehensive Plan," that overall densities should not exceed one dwelling unit per acre in the Rural Area. "

Policy 2 (Land Use) states 'The City and County shall stabilize residential zoning and land use in the North Valley Area.' This may be accomplished through the following:

- a. Limit the location, duration, and type of new uses allowed by Special Use Permit.
- b. Cancel discontinued Special Use Permits granted where existing conditions of approval are not met and permits that are otherwise in violation of the Zoning Ordinance.
- c. Retain existing County A-1 zoning as the only Rural Agricultural zone intended to provide agricultural activities and spacious development.
- d. Require landscape buffering and other measures necessary to limit potential impacts of non-residential uses on residential areas.
- e. Retain the low density character of the North Valley.

Policy 7.1 (Housing) states the City and County shall stabilize land use to protect affordable housing and land presently zoned for housing as follows:

- a. Maintain and expand areas zoned for residential uses including A-1, R-1, M-H
- b. Limit encroachment of non-residential uses into residential areas
- c. Encourage residential zoning of parcels with residential uses.

The property is also located within the Edith Blvd. Corridor Area, which extends from Menaul Blvd. to Roy/Tramway Rd. west to the Santa Fe Railroad and east to the Municipal Limit. It is in the North Edith Blvd. Sub-Area that extends north from Osuna Road to the Sandia Reservation. The area nearby the site is characterized mainly as 'rural' and also as having a number of recognized historic properties.

The "Trend Scenario" notes an apparent trend toward heavy commercial and light industrial uses along Edith Blvd, encroaching into residential areas and for Edith to become a commercial route.

Under the "Comprehensive Plan" and "Preferred Scenarios", the North Valley Area Plan states the current situation would be preserved with residential development and less traffic along Edith Blvd., recognizing its historic character. Economic development would be limited to home occupations in the residential areas and small-scale businesses along Edith Blvd. It states there is some industrial development adjacent to Paseo Del Norte.

The "Preferred Scenario" still states a preference for uses allowed under the existing zoning.

The Plan states that the "land use pattern should reflect the present zoning" (Appendix, p.4).

### **Bernalillo County Zoning Ordinance**

Resolution 116-86 lists policies for evaluating applications for Zone Map changes and Special Use Permits.

- A. A proposed land use change must be found to be consistent with the health, safety, and general welfare of the residents of the County.
- B. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a land use change.

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- C. A proposed land use change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other Master Plans and amendments thereto including privately developed area plans which have been adopted by the County.
- D. Stability of the land use and zoning is desirable; therefore, the applicant must provide a sound justification for land use change. The burden is on the applicant to show why the change should be made.
- E. The applicant must demonstrate that the existing zoning is inappropriate because:
  - 1. There was an error in the original zone map.
  - 2. Changed neighborhood or community conditions justify a change in land use or
  - 3. A different use category is more advantageous to the community as articulated in the Comprehensive Plan or other County Master Plan, even though (1) and (2) above do not apply.
- F. A land use change shall not be approved where some of the permissive uses in the land use change would be harmful to adjacent property, the neighborhood or the community.
- G. A proposed land use change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the County may be:
  - 1. denied due to lack of capital funds; or
  - 2. granted with the implicit understanding that the County is not bound to provide the capital improvements on any special schedule.
- H. Location on a collector or major street is not itself sufficient justification of apartment, office, or commercial zoning.
- I. A zone change request which would give a zone different from the surrounding zoning to one small area, especially when only one premises is involved, is generally called a "spot zone." Such a change of zone may be approved only when:
  - 1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted land use plan; or
  - 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.
- J. A zone change request which would give a zone different from the surrounding zoning to a strip of land along a street is generally called a "strip zoning." Such a change of zone may be approved only when:
  - 1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land

uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone due to traffic or special adverse uses nearby.

Section 15.5 C-LI Commercial/Light Industrial Zone

A. The regulations set forth in this section, or set forth elsewhere in this ordinance, when referred to in this section are the regulations in the Commercial/Light Industrial Zone. The purpose of this zone is primarily for community commercial uses, light manufacturing, light fabricating, warehousing, and wholesale distribution with off-street loading and off-street parking for employees, and with ready access to arterial highways or railroads. The regulations in this zone provide for the health, safety and welfare of the residents. The Commercial/Light Industrial Zone is suitable for mapping in areas adjacent to the M-1 or M-2 zones or in areas defined as commercial, industrial or primary employment centers in adopted Sector Development or Area Plans.

B. Use Regulations:

1. Prohibited Uses. The following uses are prohibited in this zone: Church and any residential use, except that each individual industrial use may provide accommodations for one security resident employed on the premises, provided that such accommodations are not used as rental property, and mixed use development as noted under Conditional Uses in this section.
2. Permissive Uses. A building or premises shall be used only for the following purposes. All uses customarily incidental to the building or premises shall be maintained on site.
  - a. Amateur Radio Antenna/Tower up to 65 feet as measured from grade.
  - b. Arts and crafts objects retail sales, supplies plus their incidental creation.
  - c. Automobile, motorcycle, bicycle, motorized bicycle (moped), all terrain vehicle, and small engine repairing, but no bodywork. Repairing shall be done within a completely enclosed building at least 20 feet from any residential zone. Storage of not more than five automobiles awaiting repair shall be permitted provided that the outdoor area in which such cars are stored shall be enclosed by a solid wall or fence at least six feet high.
  - d. Auto parts and supply retail sales.
  - e. Bakery goods shop or confectionery store wherein a majority of the products are sold on the premises and at retail costs.
  - f. Banking and loaning money.

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- g. Bicycle and motorized bicycle (moped) sales and rental, provided that outdoor display is permitted only 50 feet or more from any residential zone.
- h. Bottling plant.
- i. Books, magazines, newspapers, stationery for retail sales, but not an adult bookstore.
- j. Car wash.
- k. Clothing, shoes, dry goods for retail sales.
- l. Cold storage plant.
- m. Cosmetics, notions, hobby supplies for retail sales.
- n. Delivery service.
- o. Drive-thru facilities such as banks, drugstores, dry cleaners, restaurants and similar uses provided there is adequate on-site space for vehicle queuing and the vehicle movement plan is approved by the County.
- p. Drug store.
- q. Dry cleaning, laundry, clothes pressing, provided: Only nonflammable or noncombustible materials are used in the cleaning process.
- r. Feed or fruit storage or sales (wholesale), provided all outside storage is enclosed by a solid wall or fence six feet high on all sides abutting A-1, A-2, R-1, R-2, or M-H property.
- s. Foundry, casting of nonferrous metal, provided there shall be no fumes or odors discernible beyond the premises.
- t. Grocery Store.
- u. Health gymnasium.
- v. Ice plant (wholesale).
- w. Institution, including library, museum, school, day care center, but not disciplinary institutions or hospitals for human beings.
- x. Jewelry sales and supplies.
- y. Laboratory (experimental or testing).



- z. Laundry, cleaning, or dyeing works, including rug works and rug and carpet cleaning.
- aa. Nursery or greenhouse provided all outside storage other than plant material is enclosed by a six-foot high solid wall or fence on all sides.
- bb. Office.
- cc. Paint store.
- dd. Pet shop and/or pet grooming, provided there are no outside pens.
- ee. Photographic equipment sales and/or service.
- ff. Public utility structure and public building including fire and police stations.
- gg. Radio and/or television station, and /or motion picture industry activities.
- hh. Restaurant, provided there shall be no drive-in restaurant; and Alcoholic drink may be sold only under a restaurant license for sale of beer and wine, as provided by NMSA 1978, § 60-6A-4.
- ii. Sales and display rooms or buildings for wholesalers, distributors.
- jj. Service station, including the sale of liquefied petroleum gas, but not for resale, provided any tube or tire repairing, minor auto repair or battery charging shall be conducted within a completely enclosed building.
- kk. Sign, on premises, as regulated in the C-1 zone, provided that freestanding signs are limited to 10 feet in height and must be designed as monument signs with an enclosed base.
- ll. Tailoring, dressmaking.
- mm. The following uses must be conducted within a completely enclosed building or within an area enclosed on all sides by a wall or fence at least six feet high, which must be solid along the sides of the site facing or abutting land zoned A-1, A-2, R-1, R-2 or M-H, and provided further that products, items or materials stored on the site are not stacked to a height above the height of the required wall or fence:
  - (1) Building material storage and sales.
  - (2) Contractor's equipment storage, rental, or sale.

- (3) Machine shop, blacksmith shop, ornamental iron shop, welding shop.
- (4) Manufacturing, compounding, assembling, or treatment of articles made from the following materials: Bone, shell, cellophane, cork, fibre, fur, glass, horn, leather, precious or semiprecious metals or gems, paint (not involving a boiling process), paper, plastics, textiles, yarn, tobacco, or wood.
- (5) Manufacturing, compounding, processing, packaging, treating, assembling, maintaining, repairing, overhauling, or rebuilding of the following products: bakery goods, candy, cosmetic goods, toiletries, dairy products, drugs, pharmaceutical goods, electrical appliances, mechanical devices, electronic instruments and devices, radios or phonographs, musical instruments, pottery, figurines, ceramics provided only previously pulverized clay and kilns fired by electricity or gas shall be used, signs, including electric or neon, billboards, commercial advertising structures, toys, and novelties.
- (6) Sheet metal working (light), including the making of heating or ventilating products or equipment, cornices, and eaves.
- (7) Warehouse.
- (8) Food processing.
- nn. One residence per business for a security resident employed on the premises provided that such accommodations are not used as rental property.
- oo. Wireless Telecommunications Facility, provided that it satisfies the requirements of section 22.5 of this ordinance, and as specifically allowed below:
  - (1) Face-mounted wireless telecommunications facility.
  - (2) Roof-mounted wireless telecommunications facility, up to 6 feet above the parapet of the building on which it is placed.
  - (3) Concealed wireless telecommunications facility.
  - (4) Wireless telecommunications facility for which all antennas are mounted on an existing vertical structure.

Section 19.A (Landscaping and buffer landscaping regulations) states that landscaping and buffer landscaping will be required in all zones for office, commercial, industrial, and multifamily residential uses. For sites of five or more acres the following requirements apply:

1. There shall be a landscaped setback along all streets of no less than 20 feet.
2. There shall be a landscaped buffer of six feet between single-family residential uses and office, commercial, industrial, and multifamily residential uses.
3. Fifteen percent of all paved areas shall be landscaped. This landscaped setback does not contribute toward this requirement.

## **ANALYSIS:**

### **Surrounding Land Uses and Zoning**

The applicant has requested M-1 zoning for this site, which currently has a Special Use Permit for more than 10 M-1 uses, for the life of the use (CZ-86-5). The reason provided is that it would allow more efficient use of the site.

Although the properties to the north of the site have M-1 zoning, a vast majority of the properties in the area still have residential zoning (mainly A-1) with residential uses. A few properties have had Special Use Permits, which were granted in the 1980s for specific industrial type uses. The addition of M-1 zoning would allow various industrial uses that are highly incompatible with both the commercial and residential uses in the vicinity of the site (See M-1 Zoning, pp. 7-9 above). Granting a zone change to M-1 could also set a precedent for the establishment of other commercial activities along Edith Blvd., irreversibly changing the rural, residential character of this neighborhood.

If the property continues with a non-residential use, a Special Use Permit as currently exists on the property appears to be more compatible with the surrounding area and would minimize the impacts of its uses. It could provide a transition between the adjacent zones, as opposed to expanding the industrial area along Edith Blvd.

### **Plans**

This property is located in the Rural Area. The Comprehensive Plan and the North Valley Area Plan suggest that properties in this Area should retain their rural, residential character and that new permanent zone changes or new special use permits for industrial or heavy commercial uses should not be allowed. The North Valley Area Plan does state that existing commercially-zoned properties may be developed or redeveloped with commercial uses and recognizes that some parts of Edith Blvd. already have existing heavy commercial and light industrial uses. However, it does not support zone changes from A-1 zoned properties to commercial or industrial zones, except in designated commercial areas.

The North Valley Area Plan does allow small, owner occupied businesses that have minimal impact on neighboring properties and recognizes that there is a slight trend towards some non-residential development along the commercial corridors of the North Valley. However, this zoning would allow development of the scale that is greater than suggested in the policies for the Rural area.

### **Zoning Ordinance**

A Special Use Permit to reconfigure the existing uses on this property could be more appropriate for this site than a zone change per Resolution 116-86 of the Zoning Ordinance. Conditions of approval might have mitigated the impacts on the adjacent residential neighborhoods.

However, applicants have elected to pursue a straight zone change, which precludes imposing conditions of approval to minimize or limit the types of uses' and their impacts on the neighborhood. Further, while there may have been some land use changes on Edith Blvd., these were approved in the early 1980s, which predates county Plans. Previous owners of this property requested a zone change to M-1 in 1986. This request was denied with the view that the M-1 zone to the immediate north was approved to accommodate the railroad spur that abuts it, but that M-1 zoning should not expand any further. Since the 1980s, there has, in fact, been no new special use permits or zone changes granted in the vicinity of the site for non-residential uses (a few renewals or amendments to existing permits have been granted).

This request does not facilitate the realization of County Plans for this area. Policies in the North Valley Area Plan call for the protection of existing residential uses, while this zone change would allow the intensification of industrial uses in an area that still is primarily residential and rural.

### **Agency Comments**

Because this is a request for a zone change, agency comments are minimal and are oriented towards building permit requirements. The comments indicate that if the site is re-developed, departmental regulations (e.g., parking, water and sewer connections, grading and drainage) would need to be followed.

Nevertheless, staff has noted several issues with the current development on the site (see Agency Comments below).

Environmental Health comments state that the property appears not to be properly connected to City Water and Sewer and that there are issues with piles of debris (wood) all over the site.

Zoning staff has discovered that there continues to be violations on this property, and a zone change to M-1 may not be consistent with the residential uses in the area.

Planning staff has noted issues with this development based in part on recent visits to the site. It appears that conditions of approval of the previous Special Use Permit have not been met. This includes: landscaping and fencing; open storage of debris and materials on the site, when open storage was prohibited.

### **Analysis Summary**

Zoning	
Resolution 116-86	Has not demonstrated that zone change is appropriate; property already has a Special Use Permit. Does not facilitate the realization of the County land use plans.

Requirements	Allows uses that would negatively impact the neighboring properties; no conditions imposed for regulating activities.
Plans	
Comprehensive Plan	Use is not consistent with Comprehensive Plan policies for new commercial development in designated areas or policies for the Rural Area.
Area Plan	Calls for protection of residential areas from encroachment of non-residential uses.
Other Requirements	
Environmental Health	Issues with sewer and water accounts, debris on the site.
Public Works	Will require new grading and drainage plan with new development.
Zoning	There continues to be violations on this property.
Other	Conditions of approval of previous SUP have not been adequately met.

### Conclusion

The applicant is requesting M-1 zoning for this 5.28 acre property to replace an existing Special Use Permit for M-1 Uses. It appears, however, that the continuation or amendment of the existing Special Use Permit on this property would be more appropriate in this instance, especially given that the permit includes a broad list of possible uses, while excluding those that would negatively impact the area. Instead the applicant has requested a straight zone change, which would have the broadest range of M-1 uses and no limits on the intensity of the uses, and no conditions of approval (beyond the basic requirements of the zoning). Uses that are now listed as prohibited under the current Special Use Permit, such as auto dismantling and salvage yard, would be permissive. Their agent states that this change is for 'more efficient utilization of the property', but it is still unclear to staff what this means and what the applicant intends to do with the property given the existing Special Use Permit and the presence of a tree service business on the site. Further, the justification provided stating that there is a significant amount of M-1 zoning in the area is unsubstantiated as the trend has been more towards residential uses on the vacant tracts of land along Edith Blvd. north of Osuna Rd. and the plans for the Rural Area, do not support this type of change.

Therefore, staff is recommending denial of this request.

There also is opposition from the Northeast Valley Neighborhood Association to the effect that a zone change to M-1 is contrary to the North Valley Area Plan and would adversely affect the nearby residential neighborhood and its historic properties (Attachment 4).

### ADDITIONAL STAFF COMMENTS, FEBRUARY 1, 2006

This case was deferred at the December 7, 2005 CPC hearing at the applicant's request (for personal reasons). No additional materials have been submitted, with the exception of a letter expressing an interest in the proposed C-LI zoning (Attachment 5).

**ADDITIONAL STAFF COMMENTS, APRIL 5, 2006**

This case was deferred at the December 7, 2005 CPC hearing at the applicant's request (for personal reasons). A letter was submitted in January 2005 requesting consideration for C-LI zoning as soon the new zone became effective (March 16, 2006), so that the request was deferred again at the February 1, 2006 CPC hearing (Attachment 5). However, no additional materials, particularly a justification for this zone change, have been submitted.

Staff recommends deferral of this case so that a justification for the request for C-LI zoning may be submitted and reviewed by staff in a timely manner.

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**FINDINGS:**

1. This request is for a zone map amendment from A-1 with a Special Use Permit for Specific M-1 Uses to C-LI zoning on Lots 1, 2, & 3, Lands of Colgate, located at 7933 Edith Boulevard NE, containing approximately 5.28 acres
2. The property is located in the Rural Area of the Albuquerque/Bernalillo County Comprehensive Plan and the North Valley Area Plan.
3. The property has a Special Use Permit for Specific M-1 Uses (CZ-86-5).
4. The applicant has not submitted a justification for the request for C-LI zoning.

DEFERRAL, based on the above Findings.

Catherine VerEecke  
Program Planner

## **BERNALILLO COUNTY DEPARTMENT COMMENTS**

Building Department:  
No comments.

Environmental Health:

1. Provide proof of connection to sewer for all buildings that have a kitchen, bathrooms, sinks, drains etc. for the entire property. If, there is limited connections to public sewer then the applicant shall connect the remaining buildings to sewer. There is an public utility account [23048653] for flat rate sewer only.
2. No known source of drinking water and or irrigation water is known on this property. Provide proof of drinking water source on this property.
3. There is a waste water [septic] tank permit [HSTL-77058] issued to this property; the septic tank shall be properly abandoned and the entire property connect to sewer. Contact Bernalillo County EH Office @ 314-0330.
4. Conduct an OSHA audit on site and provide Bernalillo County EH Office with the results.
5. There are numerous large piles of organic matter [mulch, composte, etc.] composed of various vintages of large animal manure mixed with other organic materials. These piles of organic matter can cause vectors, noxious odors, dust, and possible spontaneous combustion. A plan for the management and control of this activity is required.
6. Strewn about haphazardly throughout the property are piles of tree stumps, logs, irrigation pipe, and other landscaping components. This is a safety hazard and another vector problem.
7. A vehicle refueling plan is required for the large fuel storage tanks on-site. Also required with this request is for an earthen berm to be installed around the perimeter of the concrete slab. The berm shall be large enough and substantial enough to capture the entire contents of the fuel tanks should they leak, burst, topple, or otherwise lose their fuel either slowly or quickly.

The property is situated close to private residential dwellings. The applicant should be aware of the Noise Ordinance 30-116, which states, "it shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary or unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any person residing in the area..."

City of Albuquerque water and sewer appears to be available to this property, where applicable availability shall be coordinated with City Public Works. A sewer availability statement will be required. Please contact the City LDC at 924-3989.



Operation of diesel powered vehicles or other vehicles at the site will need to comply with Air Quality Board Regulation No. 103 (20 NMAC 11.103, Motor Vehicle Visible Emissions). This regulation ensures that visible emissions are kept within limits specified for different sizes of vehicles and during a 10 minute start up period. Vehicles must be maintained in a condition to comply with these requirements. Engine warmers should be used where ever possible to reduce start up time period.

Zoning Enforcement Manager:

Must comply with below listed comments.

There continues to be violations on this property.

A minimum of a 10' landscape strip consisting of lawn and russian olive trees, 1&1/2" caliper, 25'feet on center has not been installed.

all outside storage shall be enclosed within a 6'solid wall/fence

Parking along utility easement was not approved on the site plan.

a proper off-street parking area for customers and/or employees has not been met.

Presently there are large fuel tanks stored on property that could create imminent danger.

The property is surrounded by residential zones, other properties that have special uses are restricted to certain uses only. The approval of a M-1 Zone would be spot zoning, along with creating a more intense use for M-1 uses ,that could or would be detrimental the the health /safety and welfare of adjacent properties.

Fire:

No comment received

Public Works:

DRAN:

1. Reference ZCZ 2000020.
2. This property is subject to the Bernalillo County Code Chapter 38. Prior to any development or additional development of this property a drainage submittal meeting the requirements of this code will be required.

DRE:

1. The access easement may need to be improved upon further site development.
2. The access easement shall be named.

Parks & Recreation:

No adverse comments at this time.

Sheriff's:

No comment received.

**COMMENTS FROM OTHER AGENCIES**

Albuquerque Public Schools  
No comments received.

MRGCOG:  
The Long Range Bikeway System identifies this section of Edith Blvd for on-street bike lanes.

AMAFCA:  
No comment.

City Planning Department:  
No comments received.

City Public Works:  
Transportation Planning: No comments.  
  
Transportation Development: No adverse comments.  
  
Water Resources: No adverse comments.

City Transit:  
No comments received.

City Open Space:  
No comments received.

**NEIGHBORHOOD ASSOCIATIONS:**

Alameda North Valley Association  
North Edith Corridor Association